

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ashu Shukla,

Plaintiff,

-against-

Deloitte Consulting LLP,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/13/2020

1:19-cv-10578 (AJN) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference today, for which the Plaintiff failed to appear,¹ the Court hereby ORDERS, as follows:

1. For the reasons stated on the record during today's call. Plaintiff's motion to partially vacate my June 15, 2020 Order with respect to Plaintiff's Second Amended Complaint, and for my disqualification (ECF No. 111), is DENIED. Any motion seeking to challenge my June 15, 2020 Order is untimely. In addition, such motion is largely moot since Plaintiff already has filed a Third Amended Complaint and a proposed Fourth Amended Complaint. I previously denied Plaintiff's requests for me to disqualify myself in Orders dated September 1, 2020 (ECF No. 68) and October 5, 2020 (ECF No. 103). There are no valid grounds for disqualification.

2. No later than October 27, 2020, Defendant shall serve on Plaintiff a log of documents withheld from production based upon the attorney-client privilege and/or the work product doctrine, pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure.

¹ There were no substantive discussions during today's conference with counsel for the Defendant prior to my issuing the rulings set forth in paragraphs 1 through 6 above. Either party may order a copy of the transcript of the conference, if he or it wishes.

3. Interrogatories in this case shall be “restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents,” in accordance with Local Civil Rule 33.3(a); provided, however, that the parties may agree between themselves, pursuant to Rule 29(b) of the Federal Rules of Civil Procedure, to have the Plaintiff serve interrogatories on any witnesses, in lieu of taking their depositions.

4. No later than October 20, 2020, the parties shall file a proposed Protective Order in the form of the model available at <https://cutt.ly/7gpzKac>.

5. No later than October 27, 2020, Plaintiff shall produce to Defendant unredacted versions of any documents he previously produced with redactions, subject to the terms of the Protective Order to be entered in this action.

6. The Court defers ruling on the parties’ other discovery disputes until after it issues its rulings on the motions pending at ECF No. 56 and ECF No. 92.

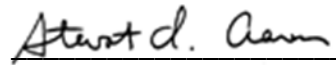
7. In the interim, the Court expects the parties to cooperate in document production, to the extent not in dispute, and Defendant shall supplement its document production (as indicated in its September 30 letter),² no later than November 16, 2020.

8. Plaintiff’s failure to participate in today’s call is noted by the Court. Any further failures by Plaintiff to comply with Orders of the Court may result in sanctions.

SO ORDERED.

² See Def.’s 9/30/2020 Ltr., ECF No. 101, at 3 (“Defendant has already produced over 2,000 pages of documents (and plans to further supplement its response).”)

Dated: New York, New York
October 13, 2020

A handwritten signature in cursive script, reading "Stewart D. Aaron", is positioned above a horizontal line. The signature is contained within a rectangular box.

STEWART D. AARON
United States Magistrate Judge